

**MINUTES OF THE
HOUSE RULES COMMITTEE
Room 305, State Capitol
January 28, 2004 - 5:00 p.m.**

Members Present: Rep. Marda Dillree, Chair
Rep. J. Morgan Philpot, Vice Chair
Rep. Eli H. Anderson
Rep. Chad E. Bennion
Rep. Judy Ann Buffmire
Rep. Don E. Bush
Rep. David Clark
Rep. Margaret Dayton
Rep. Ben C. Ferry
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Ty McCartney
Rep. Stephen Urquhart

Members Absent: Rep. Jack A. Seitz
Rep. David Ure

Staff Present: Mr. John Q. Cannon, Managing Policy Analyst
Mr. Stewart E. Smith, Policy Analyst\Special Project Mngr
Mr. John L. Fellows, Associate General Counsel
Ms. Barbara Bryner, Committee Secretary

Rep. Marda Dillree called the meeting to order at 5:10 p.m.

1. H.R. 2 House Rules Resolution - Standing Committee Process Amendments (Rep. R. Becker)

MOTION: Rep. McCartney moved the following amendments:

1. Page 2, Line 33:

33 This resolution ~~[[provides an immediate effective date]]~~ takes effect
January 1, 2005 .

2. Page 7, Line 213 through Page 8, Line 214:

213 This resolution takes effect ~~[[upon approval by a constitutional majority vote~~
~~of all~~
214 ~~members of the House of Representatives]]~~ January 1, 2005 .

The motion passed unanimously with Rep. Urquhart absent for the vote.

Rep. Becker introduced the amended resolution and explained it to the committee.

Rep. Roz McGee and Sandy Peck, Director, The League of Women Voters, spoke for the bill.

MOTION: Rep. McCartney moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Philpot moved to go to the next item on the agenda. The motion passed with Rep. Anderson, Rep. Buffmire, and Rep. McCartney voting against the motion and Rep. Hendrickson absent for the vote.

MOTION: Rep. Hogue moved to table the bill.

SUBSTITUTE

MOTION: Rep. Dayton moved to adjourn. The motion failed with Rep. Bush, Rep. Clark, Rep. Dayton, Rep. Ferry, Rep. Hogue and Rep. Urquhart voting for the motion and Rep. Hendrickson absent for the vote.

The Chair ruled the original motion to table the bill out of order.

2. H.R. 3 House Rules Resolution - Limit on Gifts (Rep. R. Becker)

Rep. Becker introduced the resolution and explained it to the committee.

Elise Brown, Constituent, and Sandy Peck, Director, The League of Women Voters, spoke for the bill.

MOTION: Rep. Bennion moved the following amendments:

1. Page 1, Lines 9 through 10:

9 This resolution prohibits lobbyists, principals, and government officers from giving,
10 and House members from receiving, ~~[[certain]]~~ gifts ~~[[valued at more than~~
~~\$15-]]~~ of any value .

2. Page 1, Lines 12 through 17:

12 This resolution:
13 ► establishes the meaning of the word "gift";
14 ► prohibits lobbyists, principals, and government officers from giving gifts ~~[[~~
~~valued at~~
15 ~~more than \$15-]]~~ of any value to House members or the immediate family member
of a House
16 member;
17 ► prohibits House members from accepting gifts ~~[[valued at more than~~
~~\$15-]]~~ of any value from a

3. *Page 3, Line 80 through Page 5, Line 135:*

80 (b) "Gift" does not mean ~~[[~~
81 ~~—(i)—]]~~ a campaign contribution properly received and reported as required by Title
82 20A,
83 Chapter 11, Campaign and Financial Reporting Requirements;
84 ~~[[~~~~—(ii)—~~ compensation, food, beverages, entertainment, transportation, lodging,
85 or other
86 goods or services extended to a House member by the House member's private
87 employer;
88 ~~—(iii)—~~ a usual and customary commercial loan made in the ordinary course of
89 business,
90 without regard to the recipient's status as a House member, by a person or
91 institution authorized
92 by law to engage in the business of making loans;
93 ~~—(iv)—~~ unsolicited awards of appreciation, honorary degrees, or bona fide awards
94 in
95 recognition of public service in the form of a certificate, plaque, trophy, desk item,
96 wall
97 memento, or commemorative token of less than \$50 value but only if the item is in a
98 form that
99 can not be readily converted to cash;
100 ~~—(v)—~~ informational, educational, or promotional items, such as books, articles,
101 periodicals, other written materials, audiotapes, videotapes, or other forms of
102 communication
103 with no substantial resale value and related to the performance of the recipient's
104 official duties;
105 ~~—(vi)—~~ a subscription to a legislative periodical;
106 ~~—(vii)—~~ anything received from a person related by blood or marriage or a
107 member of the
108 House member's household unless the donor is acting as an agent or intermediary
109 for another
110 person not so related;
111 ~~—(viii)—~~ any devise or inheritance from a person related by blood or marriage or a
112 member
113 of the House member's household unless the donor is acting as an agent or
114 intermediary for
115 another person not so related;
116 ~~—(ix)—~~ a gift that is not used and, no later than 30 days after receipt, is:
117 ~~—(A)—~~ returned to the donor; or
118 ~~—(B)—~~ donated to a public body or to the Department of Administrative Services;

105 ~~— (x) a gift or gifts from one member of the Legislature to another member of the~~
106 ~~Legislature;~~
107 ~~— (xi) anything for which the House member pays or gives full value;~~
108 ~~— (xii) any service spontaneously extended to a House member in an emergency~~
109 ~~situation;~~
110 ~~— (xiii) items received from a bona fide charitable, professional, educational, or~~
111 ~~business~~
112 ~~organization to which the House member belongs as a dues-paying member, if the~~
113 ~~items are~~
114 ~~given to all members of the organization without regard to individual members'~~
115 ~~status or~~
116 ~~positions held outside of the organization and if the dues paid are not~~
117 ~~inconsequential when~~
118 ~~compared to the items received;~~
119 ~~— (xiv) funeral flowers or memorials to a church or a nonprofit organization~~
120 ~~given to~~
121 ~~honor a House member, a person related to a House member by blood or marriage,~~
122 ~~or to a~~
123 ~~member of a House member's household;~~
124 ~~— (xv) unsolicited flowers, plants, and floral arrangements valued at less than~~
125 ~~\$50;~~
126 ~~— (xvi) items valued at less than \$50 for a wedding or 25th or 50th wedding~~
127 ~~anniversary~~
128 ~~celebration;~~
129 ~~— (xvii) the cost of admission, attendance, or participation, and of food and~~
130 ~~beverages~~
131 ~~consumed, at a public policy activity to which all members of the Legislature, all~~
132 ~~members of~~
133 ~~the House, or all members of a legislative committee, a legislative subcommittee, or~~
134 ~~a task~~
135 ~~force are invited;~~
136 ~~— (xviii) the cost paid, reimbursed, raised, or obtained by or for a public official~~
137 ~~for~~
138 ~~attendance or participation, and for food and beverages consumed at, or in~~
139 ~~connection with, and~~
140 ~~activities offered at or in connection with, and funds, goods, and services provided at~~
141 ~~or in~~
142 ~~connection with, or for conducting, conventions, conferences, or other events~~
143 ~~sponsored or~~
144 ~~coordinated by multistate or national organizations of, or including, state~~
145 ~~governments, state~~

130 ~~legislatures, or state legislators; or~~
131 ~~— (xix) travel and accommodations provided to a House member when the House~~
132 ~~member is representing the state in an official or ceremonial capacity, and travel~~
~~and~~
133 ~~accommodations provided to a House member or spouse for which prior approval~~
~~has been~~
134 ~~obtained from the Speaker, when a House member is representing the Legislature or~~
~~the House~~
135 ~~in an official or ceremonial capacity.]]~~

4. *Page 6, Lines 156 through 158:*

156 ~~(1) A lobbyist, volunteer lobbyist, principal, or government officer may not offer or~~
157 ~~give a gift [[-valued at more than \$15-]]~~ of any value ~~to any House member or~~
~~member of the House member's~~
158 ~~immediate family.~~

5. *Page 6, Lines 164 through 165:*

164 ~~(1) A House member may not accept a gift [[-valued at more than \$15-]]~~ of
any value ~~from a lobbyist,~~
165 ~~volunteer lobbyist, principal, or government officer.~~

After committee discussion there was no longer a quorum. The Chair adjourned the meeting at 6:40 p.m.

Rep. Marda Dillree, Chair